1381

SUPREME COURT OF THE UNITED STATES.

No. 145.

MARY ANN VAN NESS, PLAINTIFF IN ERROR,

vs.

CORNELIUS P. VAN NESS, ADMINISTRATOR OF JOHN P. VAN NESS.

IN ERROR TO THE CIRCUIT COURT OF THE U. S. FOR WASHINGTON, D. C.

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UNITED STATES OF AMERICA, *ss:*

The President of the United States, to the judges of the circuit court of the United States for the District of Columbia, sitting for the county of Washington.

[L. S.]

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said court, before you, or some of you, between Mary Ann Van Ness, plaintiff, and Cornelius P. Van Ness, administrator of John P. Van Ness, defendant, a manifest error hath happened, to the great damage of the said Mary Ann Van Ness, as by her complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, that under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the first Monday of December next, in the said Supreme Court, to be then and there held; and that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, which of right, and according to the laws and custom of the United States, should be done.

Witness the honorable Roger B. Taney, chief justice of said Supreme Court.

W. BRENT, *Clerk.*

DISTRICT OF COLUMBIA, *ss:*

The United States of America, to Cornelius P. Van Ness, administrator of John P. Van Ness, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, on the first Monday of December next, pursuant to a writ of error, filed in the clerk's office of the circuit court of the United States for the District of Columbia, in the county of Washington, wherein Mary Ann Van Ness is plaintiff in error, and you are defendant in error, to shew cause, if any there be, why judgment rendered against the said plaintiff in error should not be corrected, and why speedy justice should not be done to the parties aforesaid in this behalf. Witness the honorable William Cranch, chief judge of the said circuit court, the 2d day of July, 1847. W. CRANCH.

Copy of Appeal Bond.

Know all men by these presents, that we, Mary A. Van Ness, Robert J. Brent, and Henry May, are held and firmly bound unto Cornelius P. Van Ness, administrator of John P. Van Ness, in the full and just sum of two hundred dollars, current money, to be paid to the said Cornelius P. Van Ness, his certain attorney, executors, administrators, or assigns: to which payment, well and truly to be made and done, we

bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this 24th day of April, eighteen hundred and forty-seven.

Whereas lately at a circuit court of the District of Columbia, sitting in and for the county of Washington, in a suit pending in said court, wherein the said Mary A. Van Ness was plaintiff, and the said Cornelius P. Van Ness, administrator of John P. Van Ness, was defendant, judgment was rendered against the said plaintiff, and she having obtained a writ of error and filed a copy thereof in the clerk's office of the said circuit court to reverse the judgment in the aforesaid suit, and a citation directed to the said Cornelius P. Van Ness, citing and admonishing him to be and appear at a Supreme Court of the United States, to be holden at Washington on the first Monday of December next.

Now, the condition of the above obligation is such, that if the said Mary A. Van Ness shall answer all damages and costs award[ed] in said Supreme Court if she fails to make her plea good, then the above obligation to be null and void, otherwise to be and remain in full force and virtue in law.

MARY A. VAN NESS, [L. S.]
ROBERT J. BRENT, [L. S.]
HENRY MAY. [L. S.]

Signed, sealed, and delivered in the presence of—
HARVEY FOWLER,
W. B. WEBB.

Approved, W. CRANCH.

Style of court.

DISTRICT OF COLUMBIA, *to wit:*

At a circuit court of the District of Columbia, begun and held in and for the county of Washington, at the city of Washington, on the third Monday of October, being the nineteenth day of the same month, in the year of our Lord one thousand eight hundred and forty-six, and of the independence of the United States the seventy-first.

Present: William Cranch, chief judge; James S. Morsell and James Dunlap, assistant judges; Alexander Hunter, esquire, marshal; William Brent, clerk.

In the records of the proceedings of the said court, among others are the following, to wit:

Parties.

MARY A. VAN NESS,
vs.
CORNELIUS P. VAN NESS,
Adm'r of John P. Van Ness.

Be it remembered, that heretofore, to wit, on the fifth day of September, in the year of our Lord one thousand eight hundred and forty-six, the said plaintiff, by Robert J. Brent, esquire, her attorney, and the said defendant, by Richard S. Coxe, esquire, his attorney, filed in

court here the record from the orphan's court, containing the following issue:

Issue joined.

"Whether the said Mary A. Van Ness be the widow of the late John P. Van Ness, or not"—to be tried and certified, &c., by this court, which record is in the words and figures following, to wit:

Record from Orphan's court.

At an adjourned orphan's court for Washington county, District of Columbia, held on Friday, August 21, 1846, the following proceedings *was* had:

This day being appointed in the case of Mary A. Van Ness *vs.* Cornelius P. Van Ness, [administrator of John P. Van Ness,] deceased, the parties appeared, and on motion of H. H. Dent, esquire, attorney for Mary A. Van Ness, the following order was made:

In the orphan's court for the county of Washington, in the District of Columbia.

MARY A. VAN NESS, petitioner,
vs.
CORNELIUS P. VAN NESS, respondent.

Said Mary A. Van Ness having filed here in this court her petition, affirming that she is the widow of the late John P. Van Ness, and entitled to preference in the administration of his estate, and praying that the letters of administration on said estate heretofore granted by this court to Cornelius P. Van Ness be revoked, and the administration of said estate granted to her:

And the said Cornelius P. Van Ness, in his answer to said petition, which is also filed here in this court, having denied that said Mary A. Van Ness is the widow of said John P. Van Ness, and that she is entitled to the administration of said estate:

And the petitioner, by counsel, having moved in open court for an issue in this cause, to be made up and sent to the circuit court of the District of Columbia, sitting as a court of common law for the county of Washington, to be there tried according to the statute in such case made and provided:

This court now here orders and directs the following issue to be framed, made up, and sent, and certifies the same to the said circuit court, to be there tried according to the statute in such case made and provided, viz: "Whether the said Mary A. Van Ness be the widow of the said John P. Van Ness, or not."

NATHANIEL POPE CAUSIN.

21*st August*, 1846.

It is this 21st August, 1846, ordered, that the Register do forthwith send the copy of this issue, signed by the court, in the case of Mary A. Van Ness *vs.* Cornelius P. Van Ness, administrator of John P. Van Ness, deceased, together with a copy of the petition of Mary A. Van Ness, and the answer of Cornelius P. Van Ness thereto, to the circuit, there to be filed.

N. POPE CAUSIN.

21*st August*, 1846.

To the Hon. N. P. Causin, judge of the orphan's court, for Washington county, in the District of Columbia.

The petition of Mary A. Van Ness, widow of the late Gen. John P. Van Ness, respectfully represents to your honor, that the letters of administration on the estate of the said Gen. Van Ness, recently granted by your honor to Cornelius P. Van Ness, ought forthwith to be revoked, and letters of administration on said estate be granted to your petitioner, as the person legally entitled to preference in the administration of said estate.

That, although the marriage between your petitioner and the late Gen. John P. Van Ness took place on or about the 6th day of August, 1845, yet, as it was known to your petitioner and her late husband that said marriage, when known, would cause much disquiet and dissatisfaction with his family and connections, it was agreed, therefore, between them, on the urgent solicitation of her said husband, that said marriage should be kept a secret from the world at large, till such changes could be conveniently made, in the affairs and family of her late husband, as would enable him with most comfort and least disquiet to bring her to his house, and openly proclaim and acknowledge her as his wife. That said marriage was solemnized in the most private way, and with a studied view to this secrecy, in the city of Philadelphia, before and by an individual addressed by General Van Ness on that occasion as Mr. Alderman, but of whom she has since been unable to learn *no*thing with certainty. That, pending this agreement of secrecy, and after her marriage aforesaid, your petitioner was maintained by her husband aforesaid in as liberal and comfortable a manner as was consistent therewith, and with their residence in the neighborhood of each other. That, pursuant to this agreement for secrecy as to the fact of said marriage, and with a view to avoid suspicion as to the real relations subsisting between your petitioner and her late husband, and to cover up the truth as to their marriage, various acts were done by both of them, (reluctantly done on the part of your petitioner,) tending to mislead the suspicious and inquisitive. That these acts will somewhat appear by the correspondence between your petitioner and her late husband, which is herewith submitted to the inspection and consideration of your honor. That, pending said agreement of secrecy also, your petitioner was informed by her late husband, that, to avoid any accidental or unintentional injustice to her from the said agreement of secrecy which he had imposed on her, he had made a will, with which was filed the certificate of their marriage, and that by said will the marriage aforesaid was duly recognised and complete, and appropriate provision was made for her. That, during the last illness of her late husband, and after your petitioner had learned from common report his critical situation, her solicitude for him would not allow her, notwithstanding the arrangement afore stated, and the violation of them it might involve, to visit, and, if possible, comfort him in his sickness.

That her efforts to see her said husband in his last illness were, however, prevented by the interposition of said Cornelius P. Van Ness; which said interposition could not have been overcome, unless by acts which, in case of the recovery of her late husband she feared would have been considered by him as the result of over-anxiety as to his situation, and as a very imprudent implied revelation of a fact—the fact of marriage aforesaid—they had mutually agreed for a time to conceal. That with these feelings your petitioner submitted to the repulse from the door of her late husband, received by her from said Cornelius P. Van Ness, and awaited the result of his illness as best she could. That after the death of her husband—the state of her mind, sickness in her family, the uncertainty with which the death of her husband appeared to overcast her condition in life, commingled with these feelings of anxiety and suspense which attended the daily expectation that the will of her said husband would be forthcoming, and her real position proclaimed to the world, caused several painful weeks to elapse without any active steps being taken on her part to assert her real character and her rights; that during these melancholy weeks, and about a fortnight after the death of her said husband, and while her feelings were in the excited state alluded to, she was called on by the said Cornelius P. Van Ness, who then assumed towards her the manner and language of a kind and affectionate brother; and exhorting your petitioner to confide in him, enquired of your petitioner whether any copy of a will had been left with her by his late brother aforesaid. He stated his confidence that a will had been left, and that he and your petitioner had been liberally provided for therein, and that the same had been suppressed or destroyed by others, inmates of his late brother's family, having feelings adverse to them. He remained on this occasion with your petitioner, at her house on Missouri avenue, several hours, talking in a desultory manner about the aforesaid will, and sundry other matters connected with the affairs and life and death of his late brother aforesaid, and then left, with the volunteer promise that he would call again, and make further report to your petitioner of his success in search of said will. He called on your petitioner again a few days thereafter, and related, among other things, that no will had been found; and on this, as on the previous occasion, alluding in very vague terms to the important relations understood by him to have subsisted between your petitioner and his late brother, appeared endeavoring to elicit in every manner he could, the course which your petitioner would pursue respecting his said brother's estate, and the grounds and evidence on which she would, or could, found any proceedings respecting said estate. Several weeks having elapsed after the death of your petitioner's late husband without any will made by him being produced, your petitioner being in a state of anxiety and uncertainty alluded to, at length determined to visit Philadelphia, and there consult respecting her situation with a gentleman who had known her family well in New England, in whose judgment and friendship she believed she could confide. The result of that visit is herewith appended, in the form of a certificate

from said gentleman, which he is willing to verify in any form or man-[ner] which may be reasonably required by your honor. Since the time referred to in said certificate, the business of your petitioner has been in the hands of her counsel.

Your petitioner herewith files sundry letters written her by her late husband, and received by her from him, numbered from 1 to 9 inclusive, (copied in page) as evidence of her marriage aforesaid. And offers to corroborate them by further proofs of said marriage, should such proof be deemed necessary; and prays that the letters of administration aforesaid, granted to said Cornelius P. Van Ness, may be forthwith revoked, and letters of like character on the estate of her late husband be granted to her. MARY A. VAN NESS.

DISTRICT OF COLUMBIA,
County of Washington, to wit:

On this 7th day of July, A. D. 1846, before the subscriber, a justice of the peace, in and for the county of Washington aforesaid, personally appeared Mary Ann Van Ness, named in the foregoing petition, and made oath in due form of law that the facts therein stated are true, to the best of her knowledge and belief.

Sworn to before H. NAYLOR, *J. P.*

It is, on this 10th day of July, 1846, ordered, that Cornelius P. Van Ness, administrator on the estate of the late John P. Van Ness, be cited to be and appear in the orphan's court on Tuesday next, the 14th inst., to show cause why his letters of administration on said estate should not be revoked as prayed by the petitioner, Mary A. Van Ness.

NATHANIEL POPE CAUSIN.

ORPHANS' COURT, WASHINGTON COUNTY,
District of Columbia.

The administration of the estate of John P. Van Ness.

The answer of Cornelius P. Van Ness, administrator of all and singular the personal estate of John P. Van Ness, deceased, to the petition of Mary Ann Connor, styling herself Mary Ann Van Ness.

This respondent, appearing to shew cause why the prayer of the said petitioner should not be granted, doth now, answering the said petition, say: That he has no knowledge of the pretended marriage alleged by the petitioner to have been solemnized between her and John P. Van Ness, the deceased brother of this respondent, nor has he any belief that any such pretended marriage ever was solemnized. On the contrary, he has been well satisfied, from the first setting up of such pretension, and still is well satisfied, that the same has been devised and put forth for the purpose of wrongfully obtaining money and other property from the lawful heirs and representatives of the said deceased.

And this respondent therefore denies that any such marriage was ever solemnized, or that the said petitioner has any right whatever to the name or character in which she has presented herself to this court in her

aforesaid petition; or that she is entitled in any way to intermeddle with the estate of the said deceased.

This respondent has inspected the several letters, marked No. 1 to 9 inclusive, which are filed as exhibits with the said petition; and they have been inspected by divers persons, long familiar with the handwriting of the said deceased, and skilled in questions of handwriting, whose opinion and belief with respect thereto accord with his own; and he has no hesitation, upon his own clear opinion and belief, confirmed as it is as aforesaid, in charging, as he does charge, that the said exhibits are not genuine letters of the said deceased, but have been falsely made, and fabricated for the purpose of giving color to the unfounded pretensions of the petitioner in the premises.

But he is advised, and therefore submits, that even if the said letters, or any of them, or any part thereof, were genuine, (which is denied as aforesaid,) yet the same would not constitute sufficient proof of such pretended marriage; and he prays that the said petitioner may be held to make due, legal, and sufficient proof in the premises. He is advised that, if any such marriage had been celebrated in the manner alleged by the petitioner, there would be higher and better evidence thereof than any which has been yet disclosed by her, and he calls for the production of such evidence, and excepts to the admissibility of that which has been exhibited as aforesaid.

And this respondent further answering says, that it is not true that the said petitioner, during the last illness of the said deceased, or at any other time, attempted or offered to visit him at his house and comfort him in his sickness, and was repulsed by this respondent. That it is wholly untrue, so far as this respondent knows or believes, that she made any efforts to see the said deceased in his last illness, or that she was prevented from succeeding in such efforts by the interposition of this respondent; nor had this respondent the most remote idea that the petitioner entertained the expectation, intention, or desire, of being admitted into the house of the said deceased to visit and comfort him at the time referred to by her, or at any other time.

True it is that, during the last illness of his said deceased brother, (he thinks on the day of his death, or the day previous thereto,) this respondent, then being at his deceased brother's residence, was informed by one of the servants of the house that there was a woman in a hack at the door who desired to speak to him; upon going to the door, he found the petitioner, Mrs. Conner, in the hack; this respondent knew her by sight and by reputation, and that she was a tenant of his said brother. She inquired how the General (meaning this respondent's said brother) was; and, upon being answered by this respondent that he was dangerously ill, she replied, "please to inform him that Mrs. Conner called to inquire how he was." Whereupon, this respondent remarked "Madam, I think he is past receiving any message," and that the hack drove off. No request was made to enter the house, nor any intimation given that she expected to see him; nor was a word said about her being, or claiming to be, his wife; nor was the most remote suspicion created

in the mind of this respondent, by what then took place, that such a pretension existed.

This respondent further answering says, that, as soon after the death of his said brother as was proper and convenient, an examination was made among his papers to ascertain if he had left a will; that no will being found, upon diligent examination of places where it was supposed such an instrument, if it existed, would have been deposited, the most extensive and minute search and inquiry were set on foot, and thoroughly practised by himself and various other members and friends of the family of this said deceased, whereby all manner of places and persons were resorted to from which or whom the most distant clue could be hoped to be derived for the ascertainment of the truth, whether the said deceased was in fact testate or intestate. No such instrument or any clue thereto could be found by this respondent, nor, so far as he knows or believes, by any other person; and he became thoroughly satisfied, in ten or twelve days after the decease of his said brother, that he had died wholly intestate; which conviction of his mind has ever since existed, and still fully exists. Shortly after he had thus exhausted every supposed source of information, and had come to the conclusion that his said brother had died intestate, he received, through the post office in the City of Washington, to wit, about a fortnight after the said death, the anonymous letter herewith exhibited, marked A, (copied in page 20;) and this letter contained the first intimation that reached him, in any form, of any pretended marriage with his said deceased brother. This respondent had no belief whatever in the existence of the pretended marriage referred to in the said anonymous letter; but the writer thereof averring therein a personal knowledge that the deceased had "made a will not long since," and the inquiry thus again suggested, having as before stated theretofore earnestly occupied the surviving family, he was naturally led to speculate in his own mind as to the authorship of the said letter, and the possibility of any new source of information being within his reach.

This respondent considers it proper to state, in this connexion, that the general reputation of the petitioner as an artful and unchaste woman was known to him; that he also knew that she had been, and was at the time of the death of his said brother, the tenant of one of his houses; and that he had heard reports, that his said brother, like many other persons, had visited her. From these considerations, and from circumstances not necessary to be particularized, but which were wholly repugnant to the idea of any such marriage, the suspicions of this respondent fell upon the petitioner as the probable author and contriver of that letter, to which no attention would have been paid but for the averment aforesaid as to the existence of a will.

Under these circumstances, the respondent deemed it to be his duty to go and converse with the petitioner, and he accordingly did so, at the house belonging to his brother's estate and occupied by her, on Missouri street.

This respondent was totally unconscious of the manner ascribed by

her to him as that "of a kind and affectionate brother" towards her; certainly no such idea was in his mind; nor did the petitioner at that interview intimate to him that any such relationship did, or could by possibility, exist between them. This respondent's conversation was so directed as to afford her the opportunity of avowing the authorship of said letter, if *he* desired to do so; or stating any facts which might have been in her possession in support of the statements therein made, and particularly as to the said alleged will, in regard to which he supposed it possible that she might accidentally, or *or* through some artful contrivance, have derived some information from his deceased brother, or from some other source. The petitioner expressed great confidence in the existence of a will, but did not avow or intimate any positive knowledge on the subject, or suggest any clue to the discovery thereof. After this conversation about the supposed will, the petitioner inquired of this respondent, if he was aware that his brother had a child living? He replied that he was not; and asked, by whom? The petitioner then said to him, "shall it be confidential;" "certainly," replied this respondent; "then," said the petitioner, "it is by me." She then proceeded to state, that a close intimacy had existed between her and the said deceased for ten years or more, and that he had assured her that in his will he had made suitable provisions for her and her child. She said not a word about any marriage between them; nor did she intimate any expectations or rights against the said estate, except the voluntary provision which she supposed to have been made for her and her child in the will. This interview, as the respondent believes, lasted about three quarters of an hour.

This respondent wholly and absolutely denies that he expressed to the petitioner any belief that there was or had been a will, or that it had been destroyed by any member of his family, or by any other person, nor had he any such belief. On the contrary, as before stated, he had already become fully satisfied that his said brother had in fact died wholly intestate.

This respondent further answering says, that a few days after his said conversation with the petitioner he received through the city post office the anonymous letter, signed "Missouri Avenue," herewith exhibited, marked B, (copied in page 21,) which letter he interpreted as being from the petitioner, and requesting a further interview upon the subject of the supposed will. He went to see her accordingly. The petitioner distinctly referred to the said letter, marked B, as having been written by her to this respondent; after conversing a short time on the prospect of finding a will, and ascertaining from this respondent that none such had been found, or was likely to be found, the petitioner repeated, that a long intimacy had existed between her and the deceased; she stated that they had at different times been together out of the city, and that she had seen him in Philadelphia on his return from New York in August last. As this respondent, after this conversation, was about leaving the house, and not till then, the petitioner said that there was a secret of which she had not yet informed him. On being asked by

him what it was, she said that a private marriage had been consummated between her and the deceased brother of this respondent a short time before his death. On being questioned as to the time and place of such marriage, she distinctly stated that it did not take place at the said August visit in Philadelphia, but since then, and some time during the last fall, and after the birth of the child already referred to.

After having received these statements and answers, this respondent said, Mrs. Conner, will you show me some evidence of what you have stated? To which she answered, "Not now, not now." Whereupon this respondent immediately left the house.

The letters herewith exhibited, marked C and D, (copied in page 21, 22,) requesting this respondent to call again, were afterwards received by him, but no attention was paid to them, nor has this respondent subsequently held any intercourse whatever with the petitioner.

This respondent further answering says, that the anonymous letters herewith filed, marked E and F, (copied in page ,) together with the nine enclosures of the latter, numbered from one to nine, inclusive, (1 to 9,) and purporting to be copies of letters from the brother of this respondent, were also received by him through the said city post office, during the month of April last.

This respondent, upon the evidence of the anonymous [letters] hereinbefore referred to themselves, and taken in connexion with the other facts and circumstances of the case, charges all the said letters to have been written by, or through the procurement of, the said petitioner, and for the purpose of facilitating her unlawful schemes and designs in the premises. And he submits them to the inspection of the court, and, remarking that the said enclosures in exhibit F, although corresponding in number with the letters now exhibited by the petitioner, do not all of them coincide with such exhibits, prays the court that they may be compared together, and that the petitioner may produce the pretended originals, if such there be, of such of the said enclosures as do not coincide with the exhibits so made by her.

This respondent further says, that his said brother died on the seventh day of March last, and he refers to the records and proceedings of this court to show that no application was made by him for letters of administration on the said estate until the twenty-fourth day of March; that no counter application was made by the said petitioner, or any other person; that letters were granted to this respondent on the eleventh day of April following; and that from that time until the filing of the said petition, he was in the full exercise publicly and notoriously of the powers granted by the said letters, with the acquiescence of the petitioner, and of all other persons. And this respondent, having thus shown cause why the prayer of the said petitioner ought not to be granted, prays that the same may be dismissed with costs, &c.

C. P. VAN NESS.

R. S. COXE & CARLISLE,
Of counsel for respondent.

DISTRICT OF COLUMBIA,
Washington county, to wit:

On this 21st day of July, 1846, before me, the subscriber, a justice of the peace in and for the county aforesaid, personally appears Cornelius P. Van Ness, and makes oath that the facts stated in the foregoing answer are true, so far as they are stated of his own knowledge, and so far as they are stated of information and belief, he believes them to be true as stated.

H. NAYLOR, *J. Peace.*

Letter A.

Referred to in the above petition, page 15.

SIR: Is it not very strange no will in relation to your brother, General John P. Van Ness, estate, has *not* yet made its appearance? *I know he made a will not long since.*

Are you aware he left a wife and one or *two* children; was married not long since to a widow lady, who, for some reason between him and her, has kept it a secret? He and she intended going, the 20th or 22d *of this month*, from this city to attend to their little son—his board, and so forth; the boy and girl are at different places.

A FRIEND.

March 19, 1846.

N. B. Gen'l Van Ness and the lady *was* away together some months since, and frequently, for years.

Letter B.

Referred to in the foregoing answer, p. 17.

MR. VAN NESS—SIR: Please to call at my house to-morrow. I wish to see you on the business we conversed about some days since.

Yours, respectfully,

MISSOURI AVENUE.

Monday noon, 23d.

Letter C.

Referred to in answer, p. 18.

DEAR SIR: I expected you would call ere this to see me relative to the business. I will be glad if you call to-day or to-morrow.

Respectfully, M. A. VAN NESS,
Missouri av.

April 11, 1846.

Letter D.

Referred to in answer, p. 18.

DEAR SIR: I must, in a very few days, go and see, and *pay* for the board and other expenses of your *late brother, J. P. V. N., child.* Its expenses must be paid, and I have no money. "He and I *was* to have went to see and attend to" our child the 23d of last month, but

my late bereavement has prevented. I wish to see you before I go; will be glad if you call to-morrow.

Respectfully, yours, M. A. VAN NESS.

Letter E.

Referred to in answer, page 18.

WASHINGTON CITY, *April 3d*, 1846.

GOVERNOR VAN NESS—DEAR SIR: Although I have not the pleasure of a personal acquaintance with you, I am induced to address you on a subject in which you, as the brother of the late General John P. Van Ness, cannot but feel deeply interested, and ready, I am sure, to pardon the liberty I take in thus writing.

As you are presumed to have free access to all the papers, and especially those of a private character, belonging to your late brother, it is highly probable that you may have found, or will find, some having a direct relation to the subject of this communication, and, if so, you will not be much surprised at what I now propose to say.

For some years past an intimate acquaintance has existed between the late General Van Ness and a lady in this city, which finally resulted, as there is good reason to believe, in an alliance of the most delicate character.

This relation is conclusively shown by letters in her possession, apparently written by the General himself, which disclose the fact of the intimate acquaintance which has been cultivated between them, and speak in terms the most paternal and affectionate of the fruits of that intimacy. If you saw those letters yourself you would pronounce them to be written by your brother.

The lady to whom I allude is she who was lately the widow C....., and, from papers in her hands, the conviction seems to be irresistible, that some time in the last autumn he determined to unite his fortune with hers, and, for the solemnization of that rite, did whatever was required, prescribed by the laws of the State in which that event was consummated; of this the most ample and satisfactory proof can, and will, if it shall become necessary, be exhibited.

She has good reason to believe, and to know, that your brother did make a will, in which liberal and just provision was made for her and *their* legal offspring.

She is fully aware of the effect which will be produced on the memory of the deceased by a public exhibition of the facts she has it in her power to establish, by his own written declarations and acknowledgments, and by the testimony of living witnesses; and to inflict a wound upon the reputation of one to whom she stands in so dear and delicate a relation would, indeed, subject her to deep mortification. She wishes most anxiously to avoid the performance of so stern a duty; but justice to herself, and to her little innocent, may not leave her any other alternative.

It is in the power of yourself, and the other branches of the family, to arrest this blow; and from a tender regard for the character and memory

of my most esteemed departed friend and benefactor, I make this communication, *confidentially*, to afford you the opportunity of interposing in such way as may be best calculated to protect the reputation of one so near and dear to you.

In the letters, many of which are of recent date, and some written only a few days before the General's last illness, this lady is addressed by the most endearing appellation, and *his own sign-manual* appears subscribed to the assurance that he is her "*affectionate husband.*"

I take the liberty of writing this note to advise you of things that my own eyes have seen, and to ask if it is not due, as well to the peace and happiness of your family as to the memory of your deceased brother, that some amicable arrangement may be made whereby publicity of this delicate subject may be prevented. If something be not done, voluntarily and speedily, by the friends of the deceased, they may not be astonished to find that an appeal may be made to the judicial tribunals in behalf of the helpless and innocent infants whose fate is invoked in the adjustment I have taken the liberty to suggest.

In the spirit of candor and truth I assure you that this is not written or designed as a threat, but that it is prompted by the most solicitous regard for the posthumous fame of one whom the writer of this has long been proud to enumerate among his best and kindest friends; and it is also without the knowledge of any person but the writer himself.

VERBUM SAT.

DISTRICT OF COLUMBIA, *Washington county, to wit:*

I certify that the aforegoing is a true copy from the original filed in the office of the register of wills for Washington county aforesaid.

Witness my hand and seal of office this fifth day of September, in [SEAL.] the year 1846.

ED. N. ROACH, *Reg. Wills.*

October term, 1846.—*Venire facias.*

And now, to wit, the third Monday of October, in the year of our Lord one thousand eight hundred and forty-six, (being the next term of the said circuit court after the filing of the said record from the orphans' court aforesaid,) comes into the circuit court here as well the said plaintiff, by her attorney aforesaid, as the said defendant, by his attorney aforesaid; whereupon, for trying the issue aforesaid, it is ordered by the court here that twelve persons, from the pannel of petit jurors returned to the court here by the marshal of the District of Columbia, be drawn by ballot, according to law; and twelve persons *be* so drawn and called, come, to wit:

Jury—Verdict.

1. Thomas Orme. 2. William Bird. 3. John Suter. 4. Wm. H. Craig. 5. George W. Stewart. 6. Peter Hepburn. 7. Jeremiah Hepburn. 8. Thomas J. Triplett. 9. Leonard Storm. 10. Zepheniah Jones. 11. William Easby. 12. Henry Trunnell. Who, be-

ing empannelled and sworn to say the truth in the premises, upon their oath do say, that Mary A. Van Ness is not the widow of the late John P. Van Ness.

Memorandum.—During the trial of the above cause, and before the jurors aforesaid withdrew from the bar of the court here, the said plaintiff, by her attorney aforesaid, filed in court here the following bills of exceptions, to wit:

Plaintiff's 1st exception.—Plaintiff's 1st bill of exceptions.

VAN NESS
vs.
VAN NESS.

Upon the trial of this issue the plaintiff (or petitioner) having given evidence, by various facts and circumstances, tending to prove that she was lawfully married to the defendant's intestate, John P. Van Ness, at Philadelphia, in the State of Pennsylvania, on the 6th day of August, 1845.

The defendant then gave evidence tending to show that aldermen in the city and county of Philadelphia are in the practice of celebrating marriage, and it is their usage to record, in a book kept for that purpose, all such marriages so celebrated by them respectively, and to give a certificate of the marriage to the woman as soon [as] the marriage is performed; and further, that said record books are the private property of the said aldermen respectively; and it is the usage and custom of the said city and county, on the death or removal of any alderman, for his marriage record to be transmitted, with the records of his official acts, to the alderman residing nearest to him, to be preserved with the said official records; which said official records are, by the laws of Pennsylvania, required to be transmitted and delivered in such cases to the nearest alderman.

The defendant then gave evidence, by Henry D. Gilpin, esq., a competent witness, to prove that, in June and July, 1846, he had personally visited all the aldermen whose names are registered as aldermen of the said city of Philadelphia and the incorporated district of the county of Philadelphia, as proved by the deposition of , taken and filed by the said petitioner in this cause; the said witness had personally conversed, at the times aforesaid, with all of said aldermen except two, and that he saw and inspected personally the dockets of said aldermen; that all of said aldermen, excepting six of them, had marriage records, and the same were kept in books; and of those six, five kept files of copies of the certificates of the marriages performed by them respectively, and preserved among the papers of their offices, and the sixth had a record on a loose sheet in his docket of his official business, but not attached to it; and all of said aldermen visited by him kept their said records and memoranda under lock and key; that said witness examined and inspected all of said marriage records, either by himself or in the presence of the aldermen who kept them; that said witness does not know that the said books contained the marriage records

kept by said aldermen, respectively, otherwise than by said books having been produced to him by said aldermen as and for their respective records of marriages, the same being found in the respective offices of said aldermen. And the defendant then offered to prove that the said Gilpin searched the aforesaid alleged records of marriages, and could not find the names of said John P. Van Ness and Mary A. Conner, (the name of plaintiff before her said marriage with said J. P. Van Ness,) or the name of either of them, upon the said records, or either of them.

To the admissibility of which offered evidence the plaintiff, by her counsel, objected, but the court admitted the same, to which the plaintiff excepts; and this her exception is signed and sealed this first day of December, in the year 1846.

JAMES S. MORSELL, [SEAL.]
JAMES DUNLOP. [SEAL.]

Plaintiff's 2d exception.—Plaintiff's 2d bill of exceptions.

VAN NESS
vs.
VAN NESS.

After the evidence stated in the aforegoing exceptions, made a part hereof, the defendant offered to read in evidence a book purporting to be the register of marriages solemnized before Alderman Christian (now deceased) in Philadelphia, accompanied with evidence to shew that said book was the book of original entries made by the said Christian, and each and every entry therein was either wholly in his handwriting, or was signed by him; that his uniform usage and practice was to make the entries in the said book as soon as he had completed the marriage ceremony, and before he spoke to any person, and then to give a certificate to the woman of the fact of such marriage; that said book was carefully kept by the said Christian; and that it is the usage and practice of the aldermen in the said city of Philadelphia to keep a memorandum of all marriages celebrated by them, which is commonly called a marriage record, and is transmitted, on the death or removal of the alderman, to the nearest alderman, with the official records of his office, which, by the law of Pennsylvania, are required, in either of said events, to be delivered to the nearest alderman; and that, after the decease of said Alderman Christian, the said book was in fact delivered to Alderman Elkington, he being the nearest alderman to said Christian, and by him now produced in court; in which book the name of said plaintiff and said John P. Van Ness did not appear to have been entered as having been married by said Alderman Christian.

And the plaintiff objected to the admissibility of said book in evidence, but the court admitted the same. Whereupon the plaintiff excepts, and this her bill of exceptions is signed, sealed, and enrolled this first of December, 1846.

JAMES S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 3d exception.—Plaintiff's 3d bill of exceptions.

VAN NESS
vs.
VAN NESS.

After the evidence contained in the aforegoing exceptions, made part hereof, the defendant further offered evidence tending to prove that the plaintiff's general character, for more than seventeen (17) years past, was that of a lewd and unchaste woman; to which offered evidence the plaintiff objected, but the court admitted the same; and the plaintiff thereupon excepts, and this her bill of exceptions is signed, sealed, and enrolled this first day of December, 1846.

JAS. S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 4th exception.—Plaintiff's 4th bill of exceptions.

VAN NESS
vs.
VAN NESS.

On the trial of this issue the petitioner's counsel having stated that the said petitioner was married to the said John P. Van Ness in his lifetime, on the 6th day of August, 1845, at Philadelphia, in the State of Pennsylvania, but that she was unable to prove, by any direct and positive evidence, the solemnization of said marriage, and that the evidence thereof would consist of a variety of facts and circumstances and acknowledgments tending to shew said marriage by consent; and, in order to prove the marriage law of said State, read in evidence the statutes of said State, as contained in Purdon's Digest, edition of , and pages , and also the decisions of the courts of the said State, as contained in the reports of cases in said State on the subject of marriage; and also gave parol proof by J. N. Barker, who had at one time been an alderman in said city of Philadelphia, and by Chauncey Bulkley, a member of the Philadelphia bar, but not now practising as such, and Christopher Brazer, who are now aldermen of said city, all of whom testified, in substance, that marriage may be contracted in said State by the free, mutual consent of parties of lawful age, by words of present contract, in the presence of an alderman, a justice of the peace, or a private citizen, as a witness.

And further, she gave evidence by facts and circumstances tending to show that Connor, the husband of the petitioner, left Washington about seventeen years ago, since when he has not been heard from, and that she had heard many years ago that he was dead; and that the said petitioner and the said deceased J. P. Van Ness lived for about eight years last past in the city of Washington separate from each other, and had, and carried on, an illicit intercourse with each other, and while so connected he, some time in the spring of 1843, took or sent her to the city of Baltimore, and placed her in a respectable boarding house there, (kept by Mrs. Parris,) for the purpose of being delivered of a child of

which she was then pregnant, as he supposed by him, and produced and read in evidence two certain paper writings, as follows, (copied in page ,) and offered evidence to shew that they were in the handwriting of the deceased; that he then and there represented her, the said petitioner, his wife, and passed himself under the name of William Wallace, and her under the name of Ann Wallace, and they both passed as husband and wife; that while she was in the said city of Baltimore she gave birth to a female child, which he recognised as his, and said my wife presented me the finest child I ever had, which child died about thirteen months after its birth; and he employed a wet nurse for the said child, and gave the form of a receipt for her said nurse to sign, which they offered evidence to shew was in his handwriting, as follows, (copied in page ,) and leaving the said petitioner there during his temporary absence, he addressed to her four letters, as follows, (copied in pages ,) under the name assumed by him; that in the summer of 1843 she went to live in a house belonging to him in Washington city, remote from his own dwelling, where he continued to visit her, and kept up the same illicit intercourse, and on one occasion, in the fall of that year, he took her in his carriage to an iron monger's to purchase a stove for the said house, which he paid for.

That said intercourse was continued to the month of July, 1845, during which time he frequently rode to the said house so occupied by her, and would dismiss his carriage and remain there for some time, and he once went there on Sunday; and in the month of July, 1845, the said petitioner and the said John P. Van Ness agreed to meet in the city of Philadelphia, and there enter into a private marriage with each other, which was to be kept secret till they made it known; that said petitioner and her daughter went to the said city; then by the evidence of Serena Connor, the daughter of petitioner, that on the evening of the 5th August, 1845, they were met by the said John P. Van Ness in the said city, when they arranged, in the presence and hearing of the daughter of petitioner, that said petitioner and the deceased, who objected to the daughter's accompanying them, should go the next day alone and be married; that on the morning of the 6th August, 1845, the deceased came in a carriage, but did not enter the house, the petitioner meeting him at the door, and said petitioner and John P. started in said carriage, and after having been absent long enough for them to have been married, returned to the house where the said daughter was, and separated at the door of said house, the petitioner entering and the said John P. going away, and they did not meet again until some time in the month of October following; that he was to have called to see said petitioner and her daughter that evening, 1845, but did not, and he sent a note to her on said evening, and the next morning he left Philadelphia for Washington; and on the afternoon of the same day the petitioner left Philadelphia with her said daughter, and went to Green Valley Depot, in the State of Virginia, where they staid till about the 7th or 8th of October, 1845, with a sister of the petitioner, when they left, and came directly to Washington. That the said John P. Van

Ness, shortly after his return to Washington from Philadelphia, and in the same month of August, called to see the mother and sister of the petitioner, and proved by said Fowler, petitioner's mother, that, being interrogated by them, he stated that he was married to the petitioner in the city of Philadelphia on the 6th of the same month, and it was to be kept secret, and at the same time wrote a letter to the said petitioner and enclosed in it some money, and requested the said sister to forward it to the petitioner at Green Valley Depot and that she did so by the public mail, enclosed in one written by herself, (copied in page ;) that while the said petitioner was at said Green Valley Depot, said deceased wrote to her two letters, and forwarded them through the post office, which letters were in evidence as follows, (copied in pages ;) and afterwards, and after her return to Washington, that he wrote several other letters and notes which were read in evidence as follows, (copied in pages .)

That after the return of the petitioner from Green Valley Depot the said John P. Van Ness continued to visit her, and was received as one of the family, and would some times take tea and stay as late as 9 or 10 o'clock at night, during which visits they were left alone in the parlor, but he never staid all night; and continued to do so as long as he was able to go out; that he was taken sick on the 25th of February, and died on the 7th day of March, 1846.

And among other facts and circumstances tending to prove the said marriage, she further offered and read in evidence certain other paper writings, purporting to have been written by said J. P. Van Ness, and accompanied by evidence tending to shew they were written by him, as follows, (copied in pages .)

And she further gave evidence tending to shew that said John P. Van Ness, about two years before his death, incidentally, in the course of conversation with a female cousin of his deceased wife, and a member of his family, said he had made a will and provided for her, the said female cousin; and, on other occasions, that he intended to provide for one of his nieces who was an intimate of his family; that in his illness being interrogated by a friend as to whether there were any important matters to be taken care of with regard to his estate, he spoke of thirty or forty branches, and thirty or forty thousand incoherently, and then being asked if he had made a will, he became a little excited, and said, "I am not going to die," and added, his "property was all taken care of;" and also, that during the winter 1845–'46, in addition to his niece and his wife's niece, who had for a long time composed his family, the defendant and his wife were domesticated with him, and with those two ladies were constantly in attendance on the said deceased during his last illness; that the said John P. Van Ness died on Saturday, the 7th day of March, 1846, and he was pronounced by his physician to be in a hopeless condition on the Tuesday or Wednesday previous thereto; and on the day before his death, Richard Smith, a witness in the cause, observed that his cases of papers and books were all open, and suggested to the different members of the family that they should

be locked up and a seal put upon them; which was assented to, and the papers were all collected by the clerk of the said John P., and put by him into the cases, and the cases locked and sealed by said Smith; and after the death of said John P., the drawers of his private table were opened by said witness, and the papers examined by R. S. Coxe, who had been for many years the counsel of said deceased, but the seals on the cases were not broken in the presence of said witness, and no will of the deceased was then, or has since, been found; and also, that after the death of said John P. Van Ness, the defendant called upon the petitioner, and telling her, as he knew his brother was a great friend of hers, and often came there, he thought he might have come there to make his will; to consider him as a friend and brother, and tell him if she had a copy of his will;" to which she replied she had not.

And the defendant having given in evidence the statements made by said petitioner of the time, place, and person, when, where, and before whom, in Philadelphia aforesaid, she was married, and that a certificate of said marriage had been given, as she at one time said, to the deceased, and retained by him, by the person whom the *the* deceased called Mr. Alderman, and who had married them, for the purpose of shewing various contradictory and irreconcileable statements given by her as to each of these particulars, the petitioner claims the benefit of so much of said statements as may be of advantage to her, denying that they were contradictory; and she further offered evidence to shew, that in the year 1845 there were forty-one aldermen in the city of Philadelphia, and that one of them, named Christian, died in the winter of 1846. And the said petitioner, by her counsel, having stated to the court and jury at the opening of this cause, that the said petitioner having been deserted by her husband, and after *her* death became poor, and fell a victim to the influence of Gen. Van Ness' money, he at the time promising her marriage, which, under various pretences and excuses, he postponed from time to time, and continued for a number of years his illicit intercourse, which led to the birth of a child in Baltimore, and in giving birth to it she had like to have died; and in the summer of 1845 she found herself again pregnant by him, and made a powerful appeal to his feelings to consummate that marriage which he had promised from the beginning. He consented, and it was arranged to be married in Philadelphia; and between that time and the time of the marriage, she miscarried, and did not disclose it to him; and remembering his former conduct, she thought herself justified in using this pious fraud; and concealing this change from him in the circumstances, they were married.

The said defendant, to maintain the issue on his part joined, offered and gave evidence tending to shew that the said petitioner was not in fact with child at any time during the spring or summer of 1845, and did not in fact give birth to any child during that year, or up to the time of the filing of the petition in this cause, but did in fact represent and claim, to the said deceased in his lifetime, and so pretend till his

death, and to the said defendant after the death of the said John P., and in the spring of 1846, that she then had a child or children living, begotten by the said John P., when in truth and in fact she had no such child living, as appears from the said letters set out in the petitioner's statement, and in those hereafter set out. And also that the said petitioner had been married to a person named Connor, who left her about seventeen years ago, and during his cohabitation with her she had borne one or more children; that the common repute of the neighborhood in which she lived at the time he left her, was that she was an unchaste woman, and such had been her general reputation from the time of her said husband's leaving her to the time of her bringing her petition in this case; that during the year 1844 she formed an intimate acquaintance with a certain J. S. H., a citizen of Rhode Island, and during the summer of that year visited the town of Providence, where the said J. S. H. resided, in that State, and so acted and conducted herself there as to give faith and credence to the representations of the said J. S. H. that they were about to be married; and the said J. S. H. being interrogated as to her character and conduct, that up to the time of her said visit to said town of Providence, he had known nothing improper in her conduct; that after that time he visited her in New Hampshire, and afterwards spent the winter of 1844, 1845, in the city of Washington, during which time she resided in the said city; and being interrogated by defendant as follows: "During that period of time, had you or not reason from facts within your own knowledge to believe there was something improper in Mrs. Connor's (the petitioner's) conduct and life?"

Answered as follows: "I yesterday answered the first of these questions truly and conscientiously as to the particular time then referred to, and *before any other question was put*, seeing the object and drift of them, and said I should refuse to answer any other question. I do so on the ground that, if I answer this question one way the implication is inevitable, that I, myself, had improper intercourse with her. In certain cases there are no witnesses; and it would not be supposed that I had been a witness to such conduct in others."

And also that the said letters and papers pretended by the said petitioner to have been written by the said John P. Van Ness in his lifetime, and addressed to her, or written for her use, given in evidence by the said petitioner, and marked P. 1, 5, 7, 8, 9, 10, 11, 13, 16, 17, 22, 29, 35, (copied in page ,) and O, 1, 2, 3, 4, 5, 6, 7, 8, 9, (copied in page ,) were, and are all and each and every of them, false, forged, and counterfeited; and also that the pretended postmarks, on each and every of them, except the letter marked O, N, and P, 8, 9, 10, 11, (copied in page ,) were false, and that none of the said letters passed through the post office at Washington or Philadelphia, respectively, at the time or times they purport to have passed, or at any time during, and not till long after the death of the said John P. Van Ness.

And also that the said petitioner had given, and told to divers persons, at divers times, divers wholly irreconcileable and contradictory

statements, of the time, place, circumstances, when and where, and of the person by whom and in whose presence the said pretented marriage had been solemnized and performed; and among other things that she had stated she had been married on the 6th day of August, 1845, to the said John P. Van Ness, in Philadelphia, before Alderman Christian, of said city, who has since died, and in regard to a pretended certificate said by her to have been given by such person.

And also that the said petitioner had, in person, and by agents employed by her, offered to divers persons, at divers times, in divers places, divers large sums of money, to induce such persons to give false and forged testimony in her behalf on the trial of the said issue.

And also evidence tending to shew that no will had ever been executed by the said John P. Van Ness in his lifetime, in substance, as follows: That many years ago the deceased, in the lifetime of his wife, who died in the year 1832, called upon R. S. Coxe, esq., then his counsel, and who continued so to his death, to prepare for him a draught for a will, and it was prepared by him; that about three or four years ago Mr. Coxe said to him, that a person of such large estate should not postpone making a will, and as he had acquired property since that was prepared, that one would not apply to it; and he replied he kept that one for a form; and also by J. M. Carlisle, esq., for a number of years associated with Mr. Coxe, and counsel for the deceased, that in the fall of 1845 the deceased asked him to lend him a book that would shew him how to make a will; and upon his remarking, "why, Gen'l, you do not intend, with your large estate, to tinker up a will for yourself," he replied, "he wanted only a very simple form;" that Mr. Carlisle lent him Roberts on Wills, and a very few days before his last illness, in order to ascertain if he had made a will, he one day asked him whether he had done with that book? He replied, "he had not, but if you want it you can have it, if you will let me have it again." And further, that the cousin of his deceased wife, and his own niece, and the defendant and his wife, were with the deceased, the two former with scarce a moment's intermission, from the first attack in his last illness to his death, and he never at any time during his illness spoke in the presence or hearing of said witness of his having made a will; that his papers and cases were carefully sealed up before his death, and afterwards opened, and most carefully examined by said R. S. Coxe, and others, not members of his family, and every search and inquiry made, and no will could be found, nor any person who had ever witnessed any will for him.

And further, the defendant offered and read in evidence the agreement between said petitioner and said deceased for the renting of the house occupied by said petitioner, together with the receipt thereon, and the memorandum at the foot thereof, acknowledging the balance of the rent due, as follows, (copied in page ;) and also the letters addressed by said petitioner to said defendant, (copied in page ;) and also an agreement made between said deceased and James Kellaher, (copied in page ;) and a deed in fee from the deceased to the

same for the same piece of property mentioned in said agreement, and proved that the said property had, up to the date of said agreement, formed part of the enclosure of the said premises occupied by said petitioner; that said sale was made with her knowledge, and she made no objection thereto till after the death of said John P. Van Ness; and gave evidence to show that he, in his lifetime, complained of his difficulty in getting his rent from petitioner, and of the trouble she gave him; and various deeds of real property in fee, executed by said deceased after the date of the alleged marriage, in which no mention is made of her right of dower.

And further, that in his last illness the said deceased declared that he was now about to leave this world, and there was nothing in it to attach him to it, and as to his family, he wished them to remain as they were; and after this, on another occasion during his said last illness, he said, I am about to die, and to lie down beside my wife and child; and further evidence to show that the wife of the said deceased died in the year 1832, and his only child before her, and they were both deposited in the family vault in the city of Washington.

And further, that the person referred to in the testimony of the said petitioner, as having been with her in Baltimore in 1843, and passing under the name of William Wallace, was not the said John P. Van Ness, but was William Wallace himself, a real person then living, and seen by divers persons, at divers times, walking with her in the city of Washington, and bearing a strict resemblance to the said deceased John P. Van Ness.

And thereupon the said petitioner offered rebutting evidence to contradict the testimony so offered by the said defendant, as new and substantive proof as to each and every particular thereof; and the defendant having given evidence, by Isaac Ketchum, to shew that he received from plaintiff a note, D. Z., (copied in page ,) to which said Ketchum replied in writing, as follows, (copied in page ;) and on the same day he received another letter, as follows, (copied in page ;) and that, afterwards, the said Ketchum went to the plaintiff's house, where she told him, that the writing to him about the honorable was a hoax, and done for the purpose of getting him to call on her and that she had destroyed the letters which she said he had written to her at B., and then and there proposed to pay him a large sum of money if he would swear falsely in her behalf to certain facts on this trial; and after he had left her, she wrote to him another letter, as follows, (copied in page ,) and afterwards, she having promised in his said interview with her to write down some of the matters to which she wished him to testify, she wrote to him other letters, as follows, (copied in pages .)

The plaintiff thereupon offered to give evidence, by Serena Connor, to shew, that when first informed by the plaintiff that she had met said Ketchum in the street, the said Serena had reminded the plaintiff that she, the plaintiff, had, in the spring of 1845, inquired of said Ketchum, who was then in Washington, whether a marriage could be privately

solemnized here, without its appearing on the public records; and had suggested to said plaintiff, that if said Ketchum could recollect the fact of such inquiry, it might be important evidence in this suit, and that said Serena then advised the plaintiff to write to said Ketchum, or see him on the subject; but the court refused to allow said offered evidence to be given, and the plaintiff excepts.

Signed, sealed, and enrolled, this 29th December, 1846.

JAS. S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 5th exception.—Plaintiff's 5th bill of exceptions.

VAN NESS
vs.
VAN NESS.

After the evidence stated in the foregoing bill of exceptions, made part hereof, the plaintiff offered evidence tending to prove that the general reputation of the said John P. Van Ness, in his lifetime, was that of a lewd and unchaste man; but the court refused to allow said evidence to be given, and the plaintiff excepts; and this, her bill of exceptions, is signed, sealed, and enrolled this 29th day of December, in the year 1846.

JAS. S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 6th exception.—Plaintiff's 6th bill of exceptions.

VAN NESS
vs.
VAN NESS.

After the evidence stated in the aforegoing exceptions, made a part hereof, the defendant having in his evidence in chief read in evidence a letter written by plaintiff to him, (copied in page .)

And thereupon the plaintiff, to shew that her motive in writing said letter was not to obtain money, but to cause the defendant to produce the last will and testament of John P. Van Ness, which she believed it was in his power to produce, offered to prove by a witness that, early in July, 1846, he saw in her possession the sum of one hundred and ninety dollars, or thereabouts; but the court refused to admit said evidence, and the plaintiff excepts.

Signed, sealed, and enrolled, this 29th December, 1846.

JAS. S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 7th exception.—Plaintiff's 7th bill of exceptions.

VAN NESS
vs.
VAN NESS.

After the evidence stated in the aforegoing exceptions, made a part hereof, the defendant's counsel having stated in the hearing of the jury,

and without correction from the court, that they meant to argue that Serena Connor, the daughter of plaintiff, and Elizabeth Fowler, the mother of plaintiff, were perjured in the testimony they had given, and were confederated with the plaintiff in a fraudulent conspiracy to establish her claims as widow of said John P. Van Ness; the plaintiff thereupon offered evidence, tending to show that the said Serena Connor and Elizabeth Fowler were generally reputed and esteemed among their neighbors and acquaintances to be persons of strict integrity and scrupulous regard for truth, but the court refused to admit said offered evidence. And the court being of opinion that no direct evidence, impeaching the character of said witnesses, had been given by the defence, and that any impeachment thereof, if any existed, was only in the cross examination of said witnesses; and the practice of this court (as established by decisions) being, that rebutting evidence must be confined to answering affirmative proof introduced in the defence, or in support of witnesses directly impeached by evidence in defence; and there being written rules of practice of this court, but no rule therein touching such practice, refused to permit said offered evidence to be given.

And the plaintiff excepts; whereupon this her bill of exceptions is signed, sealed, and enrolled, this 29th day of December, 1846.

JAS. S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 8th exception.—Plaintiff's 8th bill of exceptions.

VAN NESS
vs.
VAN NESS.

After the evidence stated in the aforegoing exceptions, made a part hereof, the plaintiff, to corroborate the evidence previously given by said Serena Connor in her behalf, tending to show that she and the plaintiff had, in August, 1845, gone to Philadelphia with the expectation, and under a previous arrangement, that the plaintiff and said John P. Van Ness were to be married in the city of Philadelphia on the 5th August, 1845, and that said John P. Van Ness had, in the presence of said Serena Connor, at Philadelphia, told the plaintiff he would call for her next day and take her to a place where the[y] would be married, and that he did so call in a carriage, and take the plaintiff away with him. All of which testimony had been given by said Serena in her examination in chief as the plaintiff's witness; then offered to give evidence by Mr. Mann, to shew that just before said Serena and the plaintiff went to Philadelphia, in August, 1845, and on the 11th July, 1845, the said Serena declared to him that she was going there to be married; but the court refused to admit such evidence so offered, and the plaintiff excepts.

Whereupon this her bill of exceptions is signed, sealed, and enrolled, this 29th day of December, 1846.

JAS. S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 9th exceptions.—Plaintiff's 9th bill of exceptions.

VAN NESS
vs.
VAN NESS.

In addition to the evidence stated in the aforegoing bills of exceptions, made a part hereof, the plaintiff offered evidence tending to shew that, in the summer or fall of 1845, there was a report in Washington of a marriage having taken place between the plaintiff and said John P. Van Ness, but the court refused to admit the same, and the plaintiff excepts; whereupon this her bill of exceptions is signed, sealed, and enrolled, this 29th day of December, 1846.

JAS. S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 10th exceptions.—Plaintiff's 10th bill of exceptions.

VAN NESS
vs.
VAN NESS.

After the evidence stated in the aforegoing exceptions, made a part hereof, the defendant's counsel having previously served a sufficient notice on plaintiff's counsel to produce on this trial a paper envelope, purporting to be post-marked at Philadelphia, on the 26th July, 1845, with the superscription thereon in the similitude of the handwriting of said John P. Van Ness, and addressed to plaintiff by the name of Mary A. Connor, at Philadelphia, then offered to give secondary evidence of the contents and description of said paper envelope, and of the stamps thereon, and that the said stamps thereon were forgeries, in the opinion of a clerk in said post office, and that the said superscription was not in the handwriting of said John P. Van Ness, though an imitation thereof; to which offered evidence the plaintiff objected, because the said paper envelope had not been offered in evidence by her, but the court overruled said objection, and decided that secondary evidence should be received as offered, unless said paper envelope should be produced by plaintiff, and which [she] thereupon did produce to the jury; to which decision the plaintiff excepts, and this her bill of exceptions is signed, sealed, and enrolled, this 29th day of December, 1846.

JAS. S. MORSELL. [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 11th exception.—Plaintiff's 11th bill of exceptions.

VAN NESS
vs.
VAN NESS.

After the evidence stated in the aforegoing exceptions, made a part hereof, the defendant thereupon prayed the court to instruct the jury, upon the whole evidence aforesaid, if the same shall be believed by the jury to be true, there is no evidence from which the jury can find that the said petitioner was lawfully married to the said John P. Van Ness

in his lifetime, which instruction the plaintiff's counsel objected to, but the court overruled said objection, and granted the said instruction to the jury. Whereupon the petitioner by her counsel excepted, and this her bill of exceptions is signed, sealed, and enrolled, this 29th December, 1846, and at the same time the court certifies that the matters contained in the petitioner's first bill of exceptions are set out in the fourth bill of exception, and no evidence on behalf of the petitioner was given, other than is contained in the statement of facts set forth in said fourth exception, and those subsequent thereto; and when said first bill of exceptions was signed and sealed, no objection was made by the defendant to the form thereof, and no question had been made as to the effect of the legal tendency of the evidence therein referred to, and that said first bill of exceptions was sealed and enrolled after the plaintiff's evidence in chief had closed.

JAS. S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

Plaintiff's 12th exception.—Plaintiff's 12th bill of exceptions.

VAN NESS
vs.
VAN NESS.

When the whole of the evidence stated in the aforegoing exceptions, made a part hereof, and after the court had given the instructions to the jury, set out in the said 11th exception, and before the jury had retired, the plaintiff by her counsel prayed the court to instruct the jury as follows, viz., that the jury may infer and find from the whole evidence that the plaintiff was lawfully married to said John P. Van Ness in his lifetime, notwithstanding the jury may find that said marriage was intended and agreed by the said parties, at the time of said marriage, to be kept clandestine and secret for an indefinite time, and notwithstanding the jury may further find that said parties did, at the time of said marriage, intend and agree that they should thereafter for an indefinite time dwell apart in separate houses; but the court refused to grant said instruction, and the plaintiff excepts, and this her bill of exceptions is signed, sealed, and enrolled, this 29th day of December, 1846.

JAS. S. MORSELL, [SEAL.]
JAS. DUNLOP. [SEAL.]

P. No. 1.

P. No. 1, referred to in plaintiff's 4th exception, page .

14 *Dec'r*, 1842.

DEAR M. I wish you to meet me between 4 and 5 o'clock this afternoon at the corner of 12th and D streets, at one of the houses I gave you some time since—the one lately occupied by Mr. Roosevelt; if you have no carriage more convenient, ride up in the hack driver's carriage who I send this note by. Your,

JOHN P. VAN NESS.

P. No. 7.

P. No. 7, referred to in 4th exception, page .

Next to corner and Fawn street, in President street, between town and Fell's point. MRS. PARRY.

P. No. 5.

P. No. 5, referred to in 4th exception, page .

Received of Mr. William Wallace thirty-two dollars, which is in full for nursing his infant as wet nurse for three months. I am to continue to nurse the child (Gertrude) as long as it shall be left with me, at the same rate, the payment for which is always to be made seasonably in advance; two dollars are also paid by Mr. Wallace, in addition to the above, for the expense of vaccinating the child. And I hereby promise and pledge myself to pay every careful and maternal attention to the child whilst it shall be left with me, always attending to its safety, health, and comfort.

Baltimore.

Copy of P. No. 5, Mrs. Durkee's receipt.

Received of Mr. William Wallace thirty-two dollars, which is in full for nursing his infant, as wet nurse, for three months. I am to continue to nurse the child (Gertrude) as long as it shall be left with me, at the same rate, the payment for which is always to be made seasonably in advance; two dollars are also paid by Mr. Wallace, in addition to the above, for the expense of vaccinating the child. And hereby promise and pledge myself to pay every careful and maternal attention to the child whilst it shall be left with me, always attending to its safety, health, and comfort. JANE M. DURKEE.

June 1, 1843.

P. No. 8.

P. No. 8, (Wallace letter,) referred to in 4 exceptions, page .

Philadelphia, February 10th, 1843.

My dear Ann: After I wrote from Albany, I was unfortunately frozen up there, the river closed again. I made out to get down as far as Hudson, where I was taken very ill from severe cold and exposure. The physician would not suffer me to travel for nearly a week. I did not write you from there, because I was very confident of recovering with good care, and in the mean time did not wish to alarm you. As soon as I could travel safely, I set out, and with great difficulty have reached this place, where I must rest and recruit a day or two, and do some business also. Do not suppose I have forgotten you; very soon I will be with you, and in your arms. In the mean time I have such confidence in Mrs. Parry, and her daughter Miss Parry, that I am sure they will be kind to you and consult your comfort and wishes, for which they shall be well paid. In haste. Yours, truly, as always,

WM. WALLACE.

Post marked, Washington City, D. C.

Addressed to Mrs. Ann Wallace, at Mrs. Parry's, President street, *near the corner of Fawn*, Baltimore.

P. No. 9.

P. No. 9, (Wallace letter,) referred to in 4th exception, page .

Fredericksburgh, March 23d, 1843.

MY DEAR ANN: I was *compelled* to go down to Norfolk, and am so far on my way to Baltimore. I shall be compelled to stop a day or two at Washington, and then will then hurry on to you; but I shall not be able, my dear, to remain with you long. I feel the easier in my absence from you, because I know how kind Mrs. Parry and her daughter will be to you. Any body and any thing you may want, when I am absent from you, you must be sure to get, and the means will be most surely at your command. I now enclose you a ten dollar bill of the "Farmers and Planters bank of Baltimore, No. 3156, A." More will soon reach you. In great haste, as the cars are about to move.

Yours, most affectionately,

WM. WALLACE.

Mrs. Ann Wallace, post marked, Washington city, D. C.

Addressed, Mrs. Ann Wallace, at Mrs. Parry's, President street, near the corner of Fawn street, Baltimore.

P. No. 10.

P. No. 10, (Wallace letter,) referred to in 4th exception, page .

Washington city, 9th April, 1843.

MY DEAR ANN: After leaving Fredericksburgh, where I last wrote you, I met at Alexandria with Col. Bradford, of Ohio, who insisted on my going with him on a particular important business to both of us to west Virginia, where I was detained unexpectedly long. I am now here finishing our job, which turns out a very good one; and in a day or two, after you receive this, I will certainly be with you; in the mean time I enclose you a ten dollar note of a good bank in this place. You must get every necessary and comfort you require. Give my best regards to Mrs. and Miss P., and assure them they shall be well remunerated for all their kindness to you. I hope nothing will have happened before we meet; but no matter; all will, I trust, be well. God bless you, my dear; you are with friends [who] will comfort and be kind to you.

Truly, yours, WM. WALLACE.

Post marked, Washington city, D. C.

Addressed, Mrs. Ann Wallace, at Mrs. Parry's, President street, near the corner of Fawn street, Baltimore.

P. No. 11.

P. No. 11, (Wallace Letter,) referred to in 4th exception, page .

Leesburgh, April 26th, 1843.

MY DEAR ANN: I hope all things are going on well with you, as I have not heard from you lately. You know my business is generally such that I can be but a small part of my time with you, in comparison with what I wish; but it seems, as bad luck will have it, it is worse now than almost ever. I shall as soon as possible see you, but I cannot for

my life say particularly when. I am now at St. Clair's, at Leesburg, from where I send this letter by a friend to Georgetown.

I enclose a ten-dollar bill. Make and keep yourself comfortable. I will send more soon. Mrs. P. may depend upon it, as well as her daughter, that they will not regret their kindness and attention to you.

Sincerely yours, &c., WM. WALLACE.

Post marked, Washington city, D. C.

Addressed, Mrs. Ann Wallace, President street, near the corner of Fawn street, at Mrs. Parry's, Baltimore.

P. No. 16.—P. No. 16, referred to in 4th exception, page .

WASHINGTON, *Sept'r 1st*, 1845.

Mrs. V.—Dr. M.: Your letter August 26th is at hand. I am much pleased to hear from you, &c. I hope to see you soon; will attend to the pre-arrangements promised when I was with you at Philadelphia. I called to see your mother and Virginia to-day; they were well. Take good care of yourself.

Your husband, J. P. V. N.

Post marked, Washington city, D. C.

Addressed, Mrs. M. A. W. Connor, Green Valley Depot, Va.

P. 17.—P. No. 17, referred to in 4th exception, page .

WASHINGTON, *Octo.*, 1845.

DR. M.: I am truly glad to hear you and our little one are well. When I left you at Philadelphia I then intended to be with you by this time, but business has detained me. Tell me in your next if I must go to you, and when you wish to return home.

The 6th September I sent you a letter, enclosed in margin a fifty-dollar and a twenty-dollar bill. You, I hope, have received it. I now enclose in the margin of this a twenty and ten-dollar bill. If you can conveniently do so, let me hear from you and the little one soon. God bless you both. My dear M., you are, I hope, with friends who, I trust, will comfort and be most kind to you and my little heir.

Your affectionate husband, J. P. V. N.

Post marked, Washington city, D. C.

Addressed, Mrs. Connor, Green Valley Depot, Va.

P. 22.—P. No. 22, referred to in Plaintiff's 4th exception, page .

DR. M.: Let Mr. O. H. Throop have the copperplate printing press of mine which is in one of the rooms of your house; he will call or send for it. Iwill see you *very soon*. Your husband,

J. P. V. N.

WASHINGTON.

Addressed, Mrs. Connor, Missouri street.

P. 29.—P. No. 29, referred to in 4th exception, page .

DEAR M.: I have ordered the Kells to furnish and fit up just such a stove, fixtures, &c., &c., as you may wish and order. I enclose you a ten-dollar bill. Your husband,

JOHN P. VAN NESS.

Addressed, Mrs. Connor, Missouri street.

P. 35.—P. 35, referred to in 4th exception, page .

MY DR. M.: It must not be done until to-morrow. I have been too unwell to go from home this day, as I wished; to-morrow I will go out, and then, if the necessary pre-arrangements are made, the papers may be removed, and not otherwise. Tell Mr. Throop so. I enclose you ten dollars. In a few days you shall have some more.

Your husband, JOHN P. VAN NESS.

Addressed, Mrs. Connor, Missouri street, Washington.

P. 12.—P. No. 12, referred to in 4th exception, page .

DR. M.: Mr. Throop will leave *your house this week*. "He says he will positively remove this week; but the particular day it is impossible to fix on." I will have the pleasure of seeing you soon in *your own house*. Shall I call at your mother's to see you to-morrow? As you are not well, a ride will do you good; I shall ride there in my carriage; be ready to take a ride with me, if convenient to you. I send this by a hack driver. If you wish me to *call then*, send a note by this hack driver. Yours,

JOHN P. VAN NESS.

Addressed, Mrs. Connor, Maryland avenue, Washington.

O. 1.—O. No. 1, referred to in 4th exception, page .

MY DEAR M.: I am doubtful whether I will be able to go from home next month; but do not be unhappy, you may rely on *my word* and *honor* that I will make you *my lawful wife* before many weeks. I now very much regret that I have delayed so long; but it will be all right soon. I have been night and day, for a week or two past, engaged, and still am so, about a very important law suit in Alexandria. So soon as I can get *this* there I will go to you.

Your truly affectionate, J. P. V. N.

Octo. 26, 1844.

Addressed, Mrs. Connor, Washington.

O. 2.—O. No. 2, referred to in 4th exception, page .

DR. MARY: Why make yourself unhappy? I know persons do not talk as you suppose. You have suffered much, it's true, but I will make it all right and good for you and *our child, or children*, by and bye. *I have given you the house and lots you occupy, and am constantly doing for you*, and will do a good part by you and *our child or children*. You and your children *shall be the* principal *heirs* to my

property. Now don't complain so much. To-morrow morning I must go into the country, but will be *with you this week*. The particular day I cannot fix on. Truly, your affectionate,

JOHN P. VAN NESS.

July 7th, 1845.

N. B.—The copper-plate printing press of mine, which is in one of the rooms of *your house*, I will have removed soon as I can.

Addressed, Mrs. Connor, Missouri street, Washington.

O. 3, (O. 3,) referred to in 4th exception, page .

WASHINGTON, *July 18th*, 1845.

DR. MARY: I have been engaged day and night all this week. I tried yesterday to get to your house, but could not. I shall go to New York to arrange some business there. If you can get ready by the 23d, and go with me to Philadelphia, we can arrange our matters there. If you can not get ready by that time, you *must meet me in Philadelphia on the 5th or 6th of August;* and when you get there drop a letter in the post office there for me, and tell me where you are at, and I will go to you. If you can go with me, send me a note by your boy to-morrow morning. Miss W. is in Philadelphia with Madam ———, and wish to return with me. You will want money. I will see you before I go, if you cannot go with me.

I am, truly, your affectionate JOHN P. VAN NESS.

Addressed, Mrs. Connor, Missouri street, Washington.

O. 4.

O. No. 4, referred to in 4th exception.

PHILADELPHIA, *July* 26, 1845.

DR. MARY: I am here, and find our matter can be arranged here, just as I wished it. I will now certainly make you my lawful wife. I go to New York this evening or to-morrow morning; shall be back here the 5th or 7th of next month, and will expect to *meet you here* on my *return*, that I may then make you my legal wife. If you get here by the 1st, go to some good boarding-house, and take board until I get back here. Drop me a note or letter in the post office, and tell me where to go to you. I will not be able to stay but a short time with you, as I shall have to be (home) in Washington city by the 10th or 15th of next month. Yours, as ever,

JOHN P. VAN NESS.

Addressed, Mrs. M. A. Connor, Philadelphia, Penn.

O. 5.

O. No. 5, referred to in 4th exception, page .

WASHINGTON CITY, *August*, 1845.

Mrs. V. N.—DEAR MARY: I returned home safe and well, and hope this will find you the same. Enclosed, in margin, you have the note you asked for. Write soon.

Yours, affectionate, J. P. V. N.

N. B.—Be particular in all the bargains you may make, and take a receipt for the payments you make. Get whatever you may want, you shall always *and* what money you may want for the comfort and support of yourself and our child, &c.

Dear wife, as ever, I am truly your

JOHN P. V. N.

O. 6.

O. No. 6, referred to in plaintiff's 4th exception, page .

PHILADELPHIA, *August*, 1845.

Mrs. M. A. V. N.—DR. M.: I now am just starting for Washington, and until you hear from me again don't write, as I may be from home. I will write to you so soon as I get home, and send you what I promised you. Take good care of yourself; make yourself happy; get a good servant to go with you.

I am now your own husband.

JOHN P. VAN NESS.

Addressed, Mrs. M. A. Van Ness, Philadelphia, Penn.

O. 7.

O. No. 7, referred to in 4th exception, page .

WASHINGTON, 30*th December*, 1846.

MY DR. M.: You have returned home, and have, I hope, left our little one well. I have been too unwell to go from home this day, as I intended. To-morrow I will go out, and then will go see you. If I am not there by noon, tell me in a letter or note by your boy how you left my (our) child. I will see you soon.

Your affectionate husband,

JOHN P. VAN NESS.

Addressed, Mrs. Connor, Missouri street, Washington.

O. 8.

O. No. 8, referred to in 4th exception, page .

Friday afternoon, Feb. 13, 1846.

DR. MARY: I tried yesterday to get to your house, but could not make it out. Write to Mrs. ——, say to her that "I pledge myself to pay seasonably in advance every three months for the nursing, attention, board, &c., &c., of our child, and exact of her to pay every careful and maternal attention to the child whilst we may leave it with her; that you and I will go see our child next month; and she shall then have her next quarter's pay, &c., in advance." She will, I presume, properly construe our arrangements. Enclosed in this letter you have the note you wrote for. I shall be with you soon.

Your affectionate husband,

JOHN P. VAN NESS.

Addressed, Mrs. Connor, Missouri street, Washington.

O. 9.

O. No. 9, referred to in 4th exception.

WASHINGTON, *February*, 1846.

DEAR MARY: I tried yesterday to get to your house, but could not make it out, owing to a particular business matter which occupied me the whole blessed day. When Mr. Wroe was at work at your house, you should have told him to clean out the sewer. Send your boy for him, and bid him do it, and any thing you want done. It had better be immediately done.

Why do you worry me about your signing the paper? You know it can't nor won't injure you. I mean it for your good—for appearance sake. I am more careful of you than you are of yourself. Common sense tell you I wish it for appearance sake. I gave you that house and lots, and other property, now nearly three years since, and you know you will have a handsome fortune from my estate. Now don't worry so, Iwill see you soon.

With much regard, your affectionate husband,

JOHN P. VAN NESS.

Letter from petitioner to defendant, referred to in defendant's state't of evidence, page .

B.

MR. VAN NESS—SIR: Please call at my house to-morrow. I wish to see you on the business we conversed about some days since.

Yours, respectfully,

MONDAY, *November* 23. MISSOURI STREET.

Addressed Mr. Van Ness, late Collector of port of New York, Washington City.

C.

Same to same, referred to in statement, page .

DEAR SIR: I expected you would call, ere this, to see me relative to the business. I will be glad if you call to-day or to-morrow.

Respectfully,

M. A. VAN NESS,

APRIL 14, 1846. *Missouri Avenue*.

Addressed Mr. Van Ness, late Collector port New York, Washington City.

D. D.

Same to same, referred to in plaintiff's 6th ex. p. .

DEAR SIR: I must in a very few days go and see and *pay* for the *board* and other *expenses* of your late *brother J. P. V. N——'s child*. Its expenses must be paid, and I have no money. "He and I was to have went to see and attend to 'our child' the 23d of last month," but my late bereavement has prevented. I wish to see you before I go. Will be glad if you call to-morrow.

Respectfully, yours, M. A. VAN NESS.

Addressed, Gov. Van Ness, Washington City.

D. Z.

D. Z. referred to in statement, page .

DEAR K.: Call at my house so soon as you get this. I have something of importance to tell you, which is very much *to your interest to know*. I did not think of it this morning, when I met you at Mr. Marshall's store door, or should have then told you. I then asked you to call this afternoon, and hope you will.

The business is of large value to you.

Your friend.

Come this afternoon or evening.

MONDAY, 9th.

Addressed, Reverend Isaac Ketchum, Washington City, at Mrs Gassaway's.

P. 70.

His reply, P. 70, referred to in statement, page .

TUESDAY MORNING, *November* 10, 1846.

MRS. CONNOR: I received a few lines from you this morning, requesting me to call at your house.

On my way to this city I had the misfortune to be upset in a stage, by which accident I have received much injury, and have been confined ten days to my room. Yesterday, when I met you near my boarding house at the corner of Tenth street and Pennsylvania avenue, I just stepped out, hoping that a little exercise and the fresh air would help me. I soon, however, found that I was unable to get back to my room at Mrs. Gassaway's alone, and was obliged to take a carriage to get home. A physician is now attending me, and I am taking medicine, and am altogether unfit to go out; but, notwithstanding my feeble situation, I have determined to go into the country to visit some friends as soon as practicable. I have made up my mind to leave Mrs. Gassaway's to-morrow evening. Of course you will excuse me for not calling on you, as you perceive it is out of my power.

Yours, &c.,

ISAAC S. KETCHUM.

D. 1.

D. 1, referred to in statement, page .

DEAR SIR: You certainly know my present name; why did you not direct it in my right name?

The business *do* not interest me; it makes no difference; as a friend, I thought I would inform you, which is very much to your *interest* to know, having received a letter from Hon. ——— relative to your business, &c., &c.

Respectfully, yours.

N. B. I have some old letters here which you wrote to B———. You, I suppose, would like to have them.

Addressed, Dr. Ketchum.

D. 2.

D. 2, referred to in statement, page .

DEAR FRIEND: Do not mention to any one that I have or have not found the man who ———, nor name that I have had any children. Please *call to mind all you can that will aid me, and do all you can to aid me.*

You recollect the conversation you and my late husband had about me last year, in the spring of 1845; all he told you about our engagement, &c., &c. To-morrow when you come we will talk this matter.

My business will come up next week; do all you can. Drink tea with us to-morrow evening. (*Burn this.*)

Addressed, Rev. J. Ketchum, Mrs. Gassaway's, corner 10th street.

D. 3.

D. 3, referred to in statement, page .

DEAR SIR: I will name to-day to my *counsil* all about my getting you to make the enquiry, &c.; and that you said *you curiosity* and *sympathy* being *exited*, having heard much said about me and ⊙, you therefore conclude to talk with ⊙ the first chance you got; and in the spring of 1845, you met with ⊙ and had a conversation with ⊙, viz: you said to ⊙, "⊙ I have heard much said about Mrs. ——— and you; I suppose you and Mrs. ——— will be married soon." ⊙ laughed, and said "we have been *ingaged* for some time, and I know I should have married her some time since, but have put it off, but I will make her my lawful wife before many months; but, owing to a matter of my own, it will have to be a private matter for some time. I *ower* Mrs. ——— much, for she has been a mother by me, but all shall be right. Mrs. ——— shall be *my chief heir and my wife before many months;* but this matter, sir, is between *you* and *I*."

Dear sir, I do not know when you and ⊙ *has* this conversation; *weather* in the street or at my house. I believe you have seen him at my house. I think the above conversation is as you told me; you can explain it better to my *counsil* when you see him. Come and see us Sunday afternoon or evening.

Yours, with esteem.

Addressed, Rev. Isaac Ketchum, Washington City.

D. 4.

D. 4, referred to in statement, page .

DEAR SIR: Come down *so soon* as you get this. I want to give you *your letters* you asked me for.

Addressed to Dr. Isaac Ketchum, Washington City, D. C.

Agreement, &c.

Agreement between plaintiff and John P. Van Ness, as to renting of house, &c., referred to in a statement, page .

Memorandum, July 15, 1843.

It is agreed by and between John P. Van Ness and Mrs. Mary A. W. Connor, that said John lets to her, and she takes on rent of him, for one year from this day, the house of said John lately occupied by Mr. Throop, on Missouri street, at and for the sum of three hundred dollars, to be paid in quarterly payments of seventy-five dollars each; the house to be kept and surrendered in good order at the end of the term. The lot as at present enclosed is of course included in this agreement; but if said John should at any time want to resume any part of that enclosure to be otherwise disposed of, he is to have the right to do so.

MARY A. W. CONNOR,
JOHN P. VAN NESS.

It is understood that a quarter's rent is always to be paid in advance, within the first ten days of each respective quarter.

JOHN P. VAN NESS,
MARY A. W. CONNOR.

16th July, received of Mrs. Connor seventy dollars towards first quarter, as receipted.

On a full settlement made with J. P. Van Ness this day, it appears there is due him for rent, up to 15th October last, after crediting all payments, one hundred and sixty-three dollars.

December 26, 1845. M. A. W. CONNOR.

Deed.

Deed from Van Ness to Kelleher, referred to in statement, page .

JOHN P. VAN NESS, to JAMES KELLEHER. } Deed recorded 10th September, 1845.

This indenture, made this ninth day of September, in the year of our Lord one thousand eight hundred and forty-five, between John P. Van Ness, of the city of Washington, in the District of Columbia, of the one part, and James Keleher, of the same place, of the other part, witnesseth: That the said John P. Van Ness, for and in consideration of the sum of eight hundred and thirty-two [dollars] and seventy and a half cents, current money of the United States, to him in hand paid, at or before the sealing and delivery of these presents by the said James Keleher, the receipt whereof is hereby acknowledged, hath given, granted, bargained, and sold, enfeoffed, conveyed, released, and confirmed, and by these presents doth grant, bargain, and sell, enfeoff, convey, release, and confirm, unto the said James Keleher, all of the west twenty feet from front to rear, and adjoining the wall of the house occupied by Mrs. Connor, of lot numbered seven, (7,) in square (reservation) B, in the city of Washington; together with the buildings, improvements, rights, privileges, and appurtenances, and other hereditaments to the same belonging, or in any manner appertaining, and the remainders, reversions, rents, issues and profits thereof, and all the right, title, and interest, and estate of him, the said John P. Van Ness, in

and to the same. To have and to hold the said described piece or parcel of ground and premises, with the appurtenances, unto him the said James Keleher, his heirs and assigns forever. And the said John P. Van Ness, for himself, his heirs, executors and administrators, by these presents, covenants and agrees, to and with the said James Keleher, his heirs and assigns, in manner following, to wit: that he, the said John P. Van Ness, and his heirs, shall and will warrant, and forever defend, the said described *peice* or parcel of ground and premises, with the appurtenances hereby bargained and sold unto him, the said James Keleher, his heirs and assigns, from and against him, the said John P. Van Ness, his heirs and assigns, and all persons claiming, or who may claim, by, under, or through him, them, or any of them.

In testimony whereof the said John P. Van Ness has hereunto set his hand and affixed his seal, the day and year first hereinbefore written. JOHN P. VAN NESS. [SEAL.]

Signed, sealed, delivered, in the presence of—
RICHARD KEY WATTS,
N. CALLAN.

DISTRICT OF COLUMBIA,
County of Washington, to wit:

We, Richard K. Watts and Nicholas Callan, justices of the peace in and for the county aforesaid, do certify, that John P. Van Ness, party to a certain deed dated on the ninth day of September, A. D. 1845, and hereunto annexed, personally appeared before us, in our county aforesaid; the said John P. Van Ness, being well known to us to be the person who executed the said deed, and acknowledged the same to be his act and deed.

Given under our hands and seals, this 9th day of September, 1845.
RICHARD KEY WATTS, *J. P.*
N. CALLAN, *J. P.*

Whereas I have this day transferred and conveyed by deed, to Mr. James Keleher, of this city, the west part of [a] lot of ground numbered seven, in square, or reservation, B, in this city. *No*, be it known, that I hereby accord and give to him the privilege and benefit of building his house or building against or adjoining to the west wall of the dwelling-house belonging to me, and standing on the east part of said lot, provided he does not injure or weaken the said wall by so doing. And he, the said James, is in like manner, if I should at any time require it, permit me to pass or run a sewer through (under ground) some part of his ground, not interfering with his, Keleher's building, for the purpose of reaching the alley to the west of said lot, no inconvenience or injury to be done to him, or any other operation not necessary to said drain under ground, which is not to exceed six inches in its passage or hollow part—that is, the diameter.

Witness my hand and seal, this 9th September, 1845.
JOHN P. VAN NESS. [SEAL.]

Witness, N. CALLAN.